UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

CHRIS CARDEN d/b/a)	
CARDEN ENTERPRISES,)	
)	
Plaintiff,)	
)	
V.) No.	3:14-cv-223
)	
STATE AUTO INSURANCE)	
COMPANIES,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, State Automobile Mutual Insurance Company, incorrectly identified as State Auto Insurance Companies, hereby notifies the Judges of the United States District Court for the Eastern District of Tennessee, the Clerk of the Chancery Court of Knox County, Tennessee, and plaintiff, Chris Carden d/b/a Carden Enterprises, that the action described herein and filed in the Chancery Court of Knox County, Tennessee, is removed to the United States District Court for the Eastern District of Tennessee, at Knoxville, pursuant to 28 U.S.C. §1441.

- 1. On April 24, 2014, plaintiff, Chris Carden d/b/a Carden Enterprises, filed a civil action bearing case no. 187370-1 naming State Auto Insurance Companies as the Defendant in the Chancery Court for Knox County, Tennessee. Service of the complaint and summons was made upon the Tennessee Department of Commerce and Insurance on or about April 29, 2014, who in turn addressed and delivered the complaint and summons to State Auto Insurance Company in Columbus, Ohio.
 - 2. Plaintiff filed this action seeking damages for breach of contract allegedly

due under a contract of insurance written by defendant, along with alleged violations of the Tennessee Consumer Protection Act and violations of Tennessee Unfair Claims Settlement Act. (See Complaint). (A copy attached hereto as Exhibit 1).

- 3. Petitioner seeks removal of this action to this Court on the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, pursuant to 28 U.S.C. §1332. In particular, plaintiff in the underlying action seeks recovery of policy benefits alleged to be at least \$43,174, plus loss of income, along with treble damages under the Tennessee Consumer Protection Act for defendant's alleged failure to pay for claimed property damage caused by freezing. Plaintiff also seeks other unspecified damages to be proven at trial.
- 4. Plaintiff, Chris Carden d/b/a Carden Enterprises, is an individual doing business in Knox County, Tennessee, and was at the time of the filing of this action and at the time of the removal. Plaintiff filed this action against State Auto Insurance Companies, which is a registered Ohio Trade Name for State Automobile Mutual Insurance Company. State Automobile Mutual Insurance Company is a corporation organized under the laws of Ohio, with its principal place of business in Ohio. Accordingly, this matter involves citizens of different states.
- 5. This notice is filed within the time period prescribed by 28 U.S.C. §1446(b).
- 6. A copy of the Summons and Complaint, being all the papers served upon defendants, are attached hereto.

WHEREFORE, notice is hereby given that the said Civil Action No. 187370-1 is

removed from the Chancery Court for Knox County, Tennessee, to this Court.

Respectfully submitted,

/s E. Jason Ferrell

PARKS T. CHASTAIN

Registration No. 13744

E. JASON FERRELL

Registration No. 024425

Attorneys for Defendant, State Automobile Mutual Insurance Company, incorrectly sued as State Auto Insurance Companies

BREWER, KRAUSE, BROOKS, CHASTAIN & BURROW, PLLC

P. O. Box 23890 Nashville, TN 37202-3890 (615) 256-8787

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 2014, a true and correct copy of the foregoing has been sent, via first-class mail, postage prepaid to:

C. Edward Daniel, Esquire The Daniel Law Firm 4608 Papermill Drive Knoxville, TN 37909

/s E. Jason Ferrell_

PARKS T. CHASTAIN E. JASON FERRELL